

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 383

CASE NO. 81-22P

September 13, 1982

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on May 3 and 10, 1982 and July 2, 1982. At those hearing sessions, the Zoning Commission considered an application from the McLean Gardens Limited Partnership for preliminary review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The hearings were conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application was originally filed by the McLean Gardens Limited Partnership. During the course of the consideration of the application, the property was sold to the McLean Gardens Venture. The McLean Gardens Venture assumed all of the rights and responsibilities of the previous owners as far as the PUD is concerned.
2. The application requests preliminary approval of a Planned Unit Development and related change of zoning from R-5-A to R-5-B and C-2-A for lots 1,2, and 3 in Square 1819 and lots 1,2,5,6, and 7 in Square 1821. The applicant proposes to construct a mixed residential and commercial development.
3. The subject site is located at 38th and Porter Streets, N.W. and is bounded by Rodman Street to the north, 38th Street to the west, Newark Street to the southwest, Idaho Avenue to the south, and Wisconsin Avenue to the east. The site is approximately 9.4 acres in size and is vacant and unimproved land, except for the existing Administration Building fronting on Porter Street and a stone wall along the Wisconsin Avenue frontage. The site slopes gradually from north to south and from east to west, and is a part of the original forty-three acre McLean Gardens complex.

4. The subject property is now owned by McLean Gardens Venture, a District of Columbia limited partnership. The two-story Administration Building contains 9,000 gross square feet which has been used as administrative offices by the applicant and is now being refurbished for continued use as offices and space for meetings and social functions for the residents of McLean Gardens. Nine dormitory buildings which housed over 1300 people and contained a 300 seat cafeteria and beauty parlor were previously on the PUD site but were torn down in the early 1970's by former owners.
5. The portion of the McLean Gardens complex that is not subject to this application is improved with thirty-one garden apartment buildings. The apartment buildings contain 720 dwelling units, 384 of which have been declared and recorded as part of the McLean Gardens Condominium. This portion of the McLean Gardens complex is on approximately thirty-three acres in size.
6. The R-5-A District permits general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of forty percent, and a maximum height of forty feet. This district also requires site development review and approval before the Board of Zoning Adjustment (BZA) for rowhouse and multi-family residential developments.
7. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum FAR of 1.8 and a maximum height of sixty feet.
8. The C-2-A District permits matter-of-right low density development including office, retail and all kinds of residential uses, to a maximum FAR of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet and a maximum lot occupancy of sixty percent for residential uses.
9. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed or be lesser than the matter-of-right development standards identified above.
10. McLean Gardens was built during World War II and housed over 3000 people. By the 1970's the rental buildings at McLean Gardens were in need of major renovation. In 1972, the owners of McLean Gardens received approval from the Zoning Commission for a PUD and zoning map amendment from R-5-A to R-5-B and C-3-A for a major,

mixed-use development of approximately five million square feet on the original forty-three acre site which would have necessitated demolition of all of the existing buildings. The property was sold to the Chicago Bridge and Iron Co. (CBI), which withdrew the zoning application. In 1975, CBI filed an application with the Zoning Commission to demolish all of the buildings and to create a "Planned International Development" zone for McLean Gardens to include over 1,500,000 square feet of office and retail space and 750-800 residential units. The application was dismissed when other locations were selected for international agencies. The tenants in McLean Gardens formed the McLean Gardens Residents Association in 1971 and joined with other area community groups to oppose these zoning applications and a 1973 condominium conversion plan.

11. In 1978, the Residents Association received an offer to purchase McLean Gardens. In September 1979, the Residents Association and some financial investors formed the McLean Gardens Limited Partnership to purchase McLean Gardens and to carry out the overall program for McLean Gardens which had been formed in consultation with concerned community groups in 1977/78. That overall program called for the renovation of the existing thirty-one buildings in McLean Gardens for sale as condominium units and the more intensive development of the front 9.4 acres. Earlier plans to intersperse some of the new development among existing buildings on the back thirty-three acres did not receive favorable community reaction. The more intensive redevelopment of the 9.4 acres through a PUD was viewed as the vehicle to make possible the preservation and renovation of the existing garden apartments and the provision of approximately five million dollars in benefits in the form of discounts on units or cash payments to the tenants. On June 10, 1982 the McLean Gardens Limited Partnership transferred ownership of the 9.4 acre PUD site to the McLean Gardens Venture.
12. The PUD site lies in the center of an area which contains apartments, retail commercial activities, office buildings, single-family homes and many significant educational and religious institutions with a diverse range of densities and heights from twenty to ninety feet. Wisconsin Avenue, N.W., a six lane arterial with nine north-south bus routes serving McLean Gardens, forms the spine of this area.
13. Directly to the west of the PUD site are the thirty-one existing Georgian-style walk-up garden apartments of McLean Gardens. The buildings are three stories with

peaked roofs and are zoned R-5-A. Glover-Archbold Park forms the western boundary of McLean Gardens.

14. To the south across Idaho Avenue is a commercial area zoned C-2-A fronting on Wisconsin Avenue. Across Wisconsin Avenue from this C-2-A zone are a number of apartment houses and a nursing home on land zoned R-5-B and R-5-C. The apartment buildings are built to the property line fronting on Wisconsin Avenue and reach the height limit of ninety feet with eight to ten stories. The R-5-C zone continues south along the west side of Wisconsin Avenue. Behind the high density frontages along Wisconsin Avenue lies the R-1-B zone district largely developed with single-family homes. South of Woodley Road, the R-1-B zone district extends to Wisconsin Avenue where the National Cathedral complex is located.
15. To the southwest of the PUD site is the Second District Police Headquarters and a public park, Newark Street Community Gardens, in the R-5-A zone district. South of this area are single-family homes and the Washington Hebrew Congregation in the R-1-B zone district. An area zoned R-5-B is located at Macomb Street and Idaho Avenue behind the C-2-A frontage along Wisconsin Avenue.
16. Directly to the north of the PUD site across Rodman Street, existing McLean Gardens buildings extend to Wisconsin Avenue. Abutting McLean Gardens to the north is the headquarters of the Federal National Mortgage Association (FNMA). Beyond FNMA to the north along Wisconsin Avenue is a general mix of office buildings, retail commercial and restaurant space, and medium density apartment houses. Generally, building heights are about sixty feet. This area to the north is zoned C-3-A.
17. To the east of the PUD site across Wisconsin Avenue is a mixture of land uses including the Sidwell Friends School, a ninety foot apartment building and a mixture of institutional, townhouse and commercial uses with R-5-A and R-1-B zoning. Behind the high density Wisconsin Avenue frontage is an R-2 zone district extensively developed with single-family attached and detached homes over many years.
18. The land use and zoning patterns in the vicinity of the PUD site concentrate the higher densities, higher heights and more intense uses along Wisconsin Avenue, the major arterial route. Along Wisconsin Avenue can be found a mixture of C-2-A, C-3-A, R-5-A, R-5-B and R-5-C zoning with the R-1-B and R-2 single-family zones

immediately behind the more intense zones and land uses.

19. A wide range of recreational facilities and large areas of open space exist within a short walk of the PUD site. These include: approximately seventy-five acres of public open space including portions of Glover-Archbold Park with its direct access to the miles of bike paths and trails in the national park system; seven public tennis courts; nine private tennis courts operated by Sidwell Friends School; three playgrounds including facilities behind Hearst School; an outdoor swimming pool now under construction in McLean Gardens; a playground at 39th and Porter Streets; a picnic ground at 39th and Rodman Streets; and the Newark Street Community Gardens and playground. Picnic benches and barbeques are found among the existing thirty-one buildings in McLean Gardens and more are planned as the renovation of the remaining buildings is completed.
20. The applicant proposes the phased construction of 625 residential units, 40,000 net square feet of retail and office space and the preservation of the existing community recreational and administrative facility for McLean Gardens residents. The residential units will be contained in a variety of building types, including walk-up apartments in a "mews" configuration and mid-rise and high-rise apartment buildings. The PUD plan provides for a variety of open spaces, landscaped areas, walkways and other amenities to serve residents of McLean Gardens. The retail, office, recreational and administrative uses will be located at the corner of Wisconsin Avenue and Porter Street, N.W. in a new community center grouped around a landscaped plaza. The community center area will occupy 67,725 square feet of land. The existing administration/community building will become a part of the community center for the entire McLean Gardens community. An indoor swimming pool and exercise facilities will be provided in the community center. The C-2-A zone district will house these facilities. A total of 772 parking spaces to accommodate the needs of the residents and the commercial uses will be provided on the site. The parking will be located behind the existing stone wall along Wisconsin Avenue and in underground garages. A major part of the parking spaces will be underground.
21. The "North Mews" apartment buildings occupy the northernmost section of the site and range in height from three to four stories. The lower units are located near 38th Street, to respect the scale of the existing buildings opposite. Larger two story units will be located on the lower two floors and will have

private terraces. The upper floors will incorporate smaller duplex and single story units. To minimize interior circulation space, the buildings are connected by walkways and the upper floors will have exterior circulation.

22. At the center of the site is a mixed-use community center which will incorporate the existing Administration Building. An open central plaza surrounded by retail, office, and residential uses as well as a pool and health club are proposed to serve as the focal point of the project. Buildings in this section range in height from four to nine stories. Four-story garden apartments adjoin 38th Street while the "Crescent Apartments" are proposed as a nine-story apartment building adjoining the central square. Also, adjoining this open space are the "Plaza Apartments" which range in height from four to eight stories. The Wisconsin Avenue side of the "Plaza Apartments" will house the commercial facilities on the lower floors facing the central square. Proposed are 10,000 square feet to be devoted to retail uses and up to 30,000 square feet for office use.
23. South of Porter Street are the "South Mews" consisting of three to four story apartment buildings similar to the "North Mews". The "Idaho Avenue Apartments" front on Idaho Avenue and will consist of ground floor duplex units and apartments, and will have an average height of eight stories with the roof line designed in a "stepping-down" manner. The existing stone wall along the Wisconsin Avenue frontage would be preserved, and a similar wall would be constructed along the Idaho Avenue frontage.
24. There are no buildings or structures on the site that are designated as historic landmarks, nor is the site part of any historic district.
25. By testimony at the public hearing, the applicant's civil engineer concluded that the water, gas, storm sewer and sanitary sewer systems serving the PUD site are more than adequate to serve the proposed project and that electrical and telephone service will be provided by PEPCO and C&P respectively, upon request. The civil engineer also concluded that the project will impose no adverse erosion or sedimentation conditions for surrounding properties; that there will not be any measurable difference in impact on the receiving stream in Glover-Archbold Park from storm water discharge from the site once developed; and that the PUD site comprises only 3.9 percent of the drainage basin in which it is located. The Commission so finds.

26. By testimony at the public hearing, the applicant's marketing and community impact expert concluded that the development of the PUD site will have no adverse impact on police, fire, recreation, education, library and health care services provided by the city government, all of which are adequate to serve the PUD. The Commission so finds.
27. The proposed PUD will generate substantial additional tax revenues from real estate, income and sales taxes.
28. The applicant's traffic expert stated that safe and efficient access to the PUD site can be provided by the existing street network in the vicinity of the site; that use of the existing street network is appropriate because traffic is well distributed and no one intersection will become overloaded; that traffic generated by the PUD will not in any way adversely affect the existing street system; that capacity analyses at key intersections along Wisconsin Avenue demonstrate that these intersections will continue to operate at satisfactory levels of service when both the PUD site and the existing units at McLean Gardens are fully occupied; that peak hour increases along Wisconsin Avenue will be approximately seventy-five to eighty vehicles or a five to six percent increase of the total under "worst-case" conditions; and that such increases are not perceptible to the driver or to pedestrians and will not create any adverse air quality or noise impact. The Commission so finds.
29. The traffic expert further testified that the proposed 772 on-site parking spaces will be more than sufficient to meet the parking needs of the PUD and that sufficient on and off-street parking exist in the McLean Gardens area to meet the parking demands of the existing thirty-one buildings when they are fully occupied. The Commission so finds.
30. The primary access to the site will be through the existing entrances along Wisconsin Avenue at Rodman and Porter Streets using the existing traffic signals and along Newark Street at 38th Street and at 39th Street. One additional access to the underground garage under the Idaho Avenue Apartments will be located along Newark Street and other access points to the PUD are provided along Porter and 38th Street. The traffic expert testified that all access points have been located to reduce circulation within McLean Gardens, that these entrances will also effectively distribute site-related traffic so no one location is overburdened, and that the majority of the parking spaces for the commercial space will be provided adjacent to the Plaza Apartments building with the

entrance to these parking spaces located at the entrance at Porter Street and Wisconsin Avenue so that traffic generated by the commercial space will be effectively segregated from the residential parking areas and will be intercepted at the entrance to McLean Gardens. The Commission so finds.

31. At the recommendation of the District of Columbia Department of Transportation, the applicant proposes to apply to the District of Columbia government to close a small portion of the street at the intersection of 38th and Porter Streets across from the entrance to the Crescent Apartments, where a small island of isolated land is now located. The closure will eliminate traffic conflict points at this location.
32. The PUD site is well served by nine bus lines which travel north and south along Wisconsin Avenue and three that stop at McLean Gardens and travel east and west from Wisconsin Avenue to both the Cleveland Park and Zoological Park Metro stations.
33. By testimony at the public hearing, the applicant's urban land-use planner concluded that the PUD is consistent with and meets the objectives of Article 75 of the Zoning Regulations; that the PUD is a superior plan to one that could be achieved as a matter-of-right under R-5-A or R-5-B zoning; that the medium density PUD adjacent to a major arterial is consistent with sound planning principles and patterns of development along Washington's major arterials; that the PUD plan is consistent with the land-use patterns in the vicinity of the site; that the commercial uses in the PUD are compatible with the neighborhood and a desirable addition to the livability of McLean Gardens; and that the variety of building heights is consistent with the heights of buildings in the vicinity of McLean Gardens. The land-use expert also concluded that the PUD project is not inconsistent with the adopted elements of the District of Columbia Comprehensive Plan and that the PUD plan meets a number of neighborhood and city goals and policies, including providing a superior living and working environment, improved air quality and water resources, an efficient solid waste collection system, energy conservation, superior urban design, recreational and open space amenities, positive fiscal impact, much needed housing, efficient and economical mixed-use development and adequate utilities. The Commission so finds.
34. The Office of Planning and Development, (OPD) by memoranda dated April 23, 1982 and June 2, 1982 and by testimony presented at the public hearing, recommended approval of the application, subject to proposed

development conditions. The OPD reported that the most comprehensive adopted goals affecting this site and area are found in D.C. Law 2-134, the "District of Columbia Goals and Policies Act of 1978," the first local element of the Comprehensive Plan for the National Capital. The OPD believed that the application is generally consistent with planning goals by noting consistency and benefits in overall quality of life, air quality, water resources, energy, urban design, recreation/open space, public revenues, housing supply, land-use, and others. The Commission so finds.

35. The D.C. Department of Environmental Services (DES), by memorandum dated April 7, 1982, indicated that the proposed project will not have significant impact on the sewer and water systems of the city. The Commission so finds.
36. The D.C. Department of Recreation (DCDR), by letter dated April 16, 1982, concluded that the proposed PUD is a preferable development alternative to a matter-of-right subdivision for this site in terms of recreation and open space impacts and is consistent with the city's overall goals for recreation and open space as contained in the Goals and Policies for the District of Columbia. The DCDR also stated that the proposed PUD preserves an adequate amount of open space and provides good access to existing recreation facilities. The Commission so finds. The Department suggested that the proposed development provide at least one area with play apparatus for small children and benches for adults.
37. The D.C. Department of Housing and Community Development (DHCD), through the OPD report, has verbally recommended favorable action by the Zoning Commission. The DHCD believed that the proposed is consistent with District-wide housing objectives and increased opportunities for home ownership. The Commission so finds.
38. The D.C. Fire Department (DCFD), by memorandum dated April 16, 1982, has reviewed the plans and concluded that those areas of concern covered in the Fire Prevention Code have been satisfactorily resolved. The Commission so finds. The DCFD will continue to maintain close coordination during the second stage processing of the application, if the preliminary stage is approved.
39. The D.C. Public School, by memorandum dated April 29, 1982, reported that this project will have no adverse affect upon the facilities and operations of the D.C. Public School System. Although Wilson Senior High

School is overcrowded, students living within the boundary will be able to attend. Students attending those schools from out-of-boundary, as a result of D.C. Public Schools open enrollment policy, would be diverted as necessary to accommodate any students living within the attendance boundary. The Commission so finds.

40. The D.C. Department of Finance and Revenue (DFR), by memorandum dated April 12, 1982, reported that the proposed plan is in compliance with the density permitted for similar properties in the immediate area of the subject site. Concurrence of the plan will be beneficial to the neighborhood and the city's tax base. The DFR found no adverse affects resulting from the approval since surrounding properties have been granted the development density as a matter-of-right. The Commission so finds.
41. The D.C. Office of Business and Economic Development (OBED), through the OPD, endorsed the incorporation of the office/retail use with this residential development because of the existing land-use pattern in the area. The projected potential benefits to the city, for the development of this large tract of land, which has been vacant since 1975, are estimated to be: \$2.5 million on real estate, retail sales, personal property and state income taxes; 378 construction phase jobs and forty permanent office and retail jobs. These gains are expected for the city with modest municipal expenditures. The Commission so finds.
42. The D.C. Metropolitan Police Department (MPD), by memorandum dated April 23, 1982, addressed three areas of basic concern; traffic, crime prevention and design, and crime and community awareness. The MPD reported that the PUD would have minimal impact on that agency. The Commission so finds. The MPD indicated that, as units are occupied, the developer should bear the civic responsibility of informing the new occupants of the crime prevention programs that are available through the MPD and the Community Services Unit at the Second District Headquarters on Idaho Avenue.
43. The District of Columbia Department of Transportation (DCDOT), by report dated May 3, 1982 and by testimony presented at the public hearing, concurred with the applicant's traffic analyses and conclusions and concluded that the 772 parking spaces are adequate to serve the PUD and that:

"The proposed development is expected to generate approximately 400 and 300 automobile trips during the morning and evening peak

hours, respectively. Our traffic analysis indicates that the surrounding street system can accommodate the traffic generated by the proposed development."

The Commission so finds.

The DCDOT noted its sensitivity to any adverse impacts on nearby residential streets, particularly, Porter Street. To mitigate traffic from the PUD desiring to go east on Porter Street during the morning peak hours, DCDOT recommended that McLean Gardens traffic using the Porter Street exit should be restricted to right and left-turns-only at the intersection with Wisconsin Avenue and that the condition should be monitored and further measures taken if needed. DCDOT also recommended that the twenty extra spaces which were available under the 650 unit plan be allocated for residential use. By report dated May 27, 1982, DCDOT stated that it supports a mix of small car spaces of up to forty percent of all spaces when marked as "small car spaces" and placed in groups.

44. Advisory Neighborhood Commission 3C, by testimony at the hearing, stated it had no objections to the PUD, provided certain modifications contained in its written report dated May 1, 1982 were incorporated by the Zoning Commission. The ANC-3C also stated that it was concerned that the PUD proposal was different from the plan which had been previously conceived by the citizens of McLean Gardens and adjacent neighborhoods in 1977/78. Concern was expressed with the height and bulk of some of the buildings. The ANC recommended rezoning to R-5-B approximately one half of the PUD site as to permit only the FAR needed for the PUD. The ANC requested an increase in the number of parking spaces. The ANC also stated that the PUD for the 9.4 acres must be considered in the context of the entire forty-three acre McLean Gardens property. The ANC suggested the following modifications:

- a. Do not rezone the entire PUD site, but rather consider the entire forty-three acres under the PUD plan, or rezone only half of the 9.4 acre PUD site from R-5-A to R-5-B, thus limiting the applicant to the 2.0 FAR needed for the PUD plan and "without considerably reducing the size of the developer's proposal";
- b. Do not rezone the requested 67,725 square feet of land area from R-5-A to C-2-A, but rather permit the requested 46,000 gross square feet for commercial uses as an accessory use to the residential development, or, rezone only 46,000

square feet of lot area from R-5-A to C-1 which would allow the requested commercial space and permit neighborhood type retail, recreational and social gathering places as accessory uses under the residential zone;

- c. Prohibit certain C-1 commercial uses;
- d. Reduce the amount of office space and increase the amount of retail space, if possible;
- e. Allow assembly use of the ballroom in the Administration Building only for "owners and neighborhood uses, but not as a commercial assembly place";
- f. "Do not allow commercial uses underground (which are not covered by FAR requirements);"
- g. Request the developer to include some provisions for moderate income housing and elderly housing;
- h. Review the design of the three high rise apartment houses, particularly the Idaho Avenue Apartments so that the PUD site is not "dominated" by ten-story buildings, and fits within the character of the surrounding neighborhood, and so that shadows would be reduced;
- i. Establish the point of measurement of building heights along the Wisconsin Avenue frontage of each parcel which would permit building heights of approximately eighty feet or a maximum of nine stories;
- j. Require the applicant to include the price of a parking space with the sale of a unit;
- k. Discourage cross-traffic through the property;
- l. Retain the one-space-per-unit parking requirement of the R-5-A zone for the PUD;
- m. Increase the number of parking spaces to 806;
- n. Permit a maximum of twenty-five percent of all parking spaces to be small car spaces;
- o. Keep open air parking spaces in the PUD to a maximum of 200 as indicated in the revised site plan;
- p. Provide a plan that shows walks, parks and landscaping;

- q. Design the PUD to encourage people from adjacent neighborhoods to have pleasant access to Glover-Archbold Park;
- r. Keep the ratio between open spaces and buildings not more than 1:1 in the mews area and to 1:1.5 in other places;
- s. Screen parking lots from view by shrubbery and trees while providing ample lighting for safety;
- t. Break up large paved parking areas by plantings; and
- u. Develop a covenant which assures that the PUD represents the limits of total development.

By letter dated June 30, 1982, the ANC stated that the application as modified as finally before the Zoning Commission contained changes "in the right direction" but did not go as far as the ANC would like, as set forth in our position dated May 1, 1982 ... which continues to be the position of the Commission."

- 45. Carol Currie, A. Hewitt Rose, and representatives of the Sidwell Friends School (by report dated May 3, 1982) and the McLean Gardens Residents Association (by report dated May 7, 1982) gave testimony at the public hearing in support of the application. These witnesses in support expressed concerns relative to the use of the PUD site, height, parking, traffic, environmental, and material and design objectives.
- 46. The McLean Gardens Homeowners and Residents Group (MGHRG), by written report filed at the hearing and by testimony of Mr. Pierce Quinlin, indicated that while it did not oppose development of the vacant 9.4 acre tract, it was concerned that the PUD as proposed will have a detrimental affect on environmental quality and the living environment of McLean Gardens; that the amenities in the PUD are inadequate; about proposed building heights; increases in population, traffic congestion and physical density; about the need for the commercial space; about inadequate parking, green space; about safety; and about a decline in their property values. MGHRG recommended the following modifications to the PUD:
 - a. reduce the height of buildings;
 - b. reduce the number of buildings and the number of units;
 - c. increase the amount of open green space;

- d. relocate the entrance to the underground garage for the Crescent Apartments closer to Wisconsin Avenue;
 - e. relocate the driveways for the South Mews and Crescent Mews next to Wisconsin Avenue;
 - f. move the parking entrance to the Idaho Avenue Apartments to Idaho Avenue;
 - g. provide one parking space with each unit sold or rented;
 - h. provide "usage guarantees to McLean Gardens owners on the use of the recreational facility and indoor pool; and
 - i. provide security for the overall site with emphasis on the underground parking garages.
47. Citizens for City Living (CCL), by report dated April 27, 1982 and by testimony of Robert Hausman at the public hearing, opposed the PUD application unless "parking is provided integrally with each residential unit". CCL also indicated that they were opposed to the DCDOT's proposed solution to the Porter Street problem.
48. Jane Gilbert submitted a report and spoke on behalf of the "Porter for People Committee" (PPC) at the public hearing. She indicated that the PPC is an informal group of Porter Street residents who have "been working together for almost six months to improve traffic conditions on Porter Street between Connecticut and Wisconsin Avenue". Jane Gilbert noted that Porter Street has been experiencing recent traffic increases which are believed to be due to changes on Reno Road; that she believed the PUD would add to existing traffic problems on Porter Street and will also have an adverse impact on the quality of life on Porter Street; and recommended elimination of the existing McLean Gardens entrance at Porter Street and that Porter Street on the east side of Wisconsin Avenue be blocked off.
49. The North Cleveland Park Citizens Association, by report dated April 5, 1982 and by testimony of Henry Guyot at the public hearing, indicated that it disapproved of the PUD application because of concerns with traffic and density.
50. Dixie Scott, a resident of Quebec Street, by testimony at the public hearing, indicated she was opposed to the closing of Porter Street at Wisconsin Avenue because it would divert traffic to Quebec Street; that she was

generally pleased with the PUD proposal because it was better than past proposals; but that she was still concerned with height, density, increased traffic, preservation of green space and environmental concerns such as water and air quality.

51. Mansur Ekhtiar gave testimony at the public hearing neither opposing nor supporting the application but encouraged dialogue and compromise between parties and persons.
52. In response to issues raised at the May 3rd and May 10, 1982 public hearings, by letter dated May 27, 1982, and by expert testimony at the July 2, 1982 hearing, the applicant proposed the following modifications to the revised PUD plan:
 - a. Lower the height and bulk of the Idaho Avenue Apartments from ten stories to an average of eight stories. The Apartments would vary from six to ten stories with the ten-story portion across from existing commercial uses across Idaho Avenue and the portions nearest the existing garden apartments and along Wisconsin Avenue stepped down.
 - b. Reduce the number of units by twenty-five from 650 to 625. The FAR is reduced from 2.0 to 1.95 FAR.
 - c. Increase the space between mews buildings by moving, where grades permit, the private garages partially into the mews buildings themselves.
 - d. Add twenty-five parking spaces for residents and visitors by keeping the number of parking spaces at 772, while reducing the number of units.
53. The Zoning Commission is required by statute to give "great weight" to the written report of the Advisory Neighborhood Commission. In response to the issues and concerns raised by the ANC report and other concerns raised in other testimony at the hearings, the Commission finds that:
 - a. The PUD plan is generally consistent with the plan that was discussed with citizens groups in 1977 through 1979 in that the predominant residential character of McLean Gardens has been retained. The number of new residential units is approximately the same.
 - b. The entire forty-three acre site of McLean Gardens is not before the Commission. In any event, the available FAR on the back thirty-three acres has

been substantially used and any zoning application for the existing buildings would require the approval of each condominium unit owner and this Commission.

- c. The proposed zoning, R-5-B and C-2-A, permits implementation of the PUD site plan. This Commission cannot under the Zoning Regulations permit the proposed commercial development as an accessory use in a residential zone district and cannot permit C-2-A uses such as the ballroom in a C-1 or residential district. Even in a PUD, the FAR, height and lot occupancy must conform to the PUD guidelines for the underlying zone district. The proposed PUD site plan does not fit within the guidelines for the R-5-A zone district. The guidelines conditions and standards imposed by the Zoning Commission in its approval will be contained in a covenant, running with the land. This covenant will absolutely control the height, density and uses of the site, regardless of the limits otherwise permitted by the applicable zoning.
- d. A PUD and rezoning do not set a precedent for the area because a PUD plan and accompanying rezoning is unique to its site and is so considered by this Commission. Each case before this Commission is reviewed on its own merits.
- e. The applicant has proposed a mix of commercial uses to respond to the needs of McLean Gardens residents and market conditions.
- f. The PUD plan with its mix of uses, building heights and types of units is compatible with the existing zoning and land uses of the neighborhood which is characterized by a wide range of land uses, zone districts building heights and types.
- g. The applicant has proposed substantially the same limitation on commercial uses in the PUD site as recommended by the ANC. As to the number and types of liquor licenses, the Alcoholic Beverage Control Board, not this Commission, has jurisdiction to issue liquor licenses.
- h. All 40,000 net square feet of commercial space will be above grade in the Plaza Building.
- i. Through the McLean Gardens Limited Partnership agreement, below-market rate housing or substantial cash amounts have been provided to 180 tenant families in the existing McLean Gardens

development, many of whom are of moderate means or elderly.

- j. The site is not dominated by ten-story buildings. Only 7.51 per cent of the site area was proposed to be devoted to ten-story buildings. That percentage is reduced further by the applicant's most recent proposal to reduce the height of the Idaho Avenue Apartments. The applicant has proposed to reduce the Idaho Avenue Apartments to an average of eight stories. Stepping the building from ten to six stories will assure its compatibility with the existing garden apartments. The scale and design of the ten-story Crescent Apartments located on the Plaza provides an important focal point for McLean Gardens and permits a lower scale perimeter along 38th Street across from the existing garden apartments. The topography of the site as well as the setbacks and screening by the four-story Crescent Mews also offset the appearance of the taller building.
- k. The proposed 625 unit site plan reduces the bulk and density of the PUD plan by an appropriate amount in light of the testimony at the hearing.
- l. The PUD site has been specifically designed to permit maximum solar orientation.
- m. The heights of buildings in the PUD range from twenty-two to ninety feet as measured in accordance with the Zoning Regulations. The point of measurement for height will further be specified in this order.
- n. The applicant has provided 772 parking spaces, including one space per residential unit which is sufficient for the proposed residential and commercial uses on the PUD site and is more than is required by the Zoning Regulations. Reduction of the units from 650 to 625 while keeping the 772 parking spaces provides an additional twenty-five parking spaces for residential and visitor parking. Both the commercial and retail parking spaces can be used as visitor parking spaces during the evenings and weekends. The PUD circulation plan and the location of access points to the PUD site has been specifically designed to discourage cross traffic through the property. Mews lanes in the PUD will be private. The streets in the existing McLean Gardens are public streets and accordingly controlled by the D.C. DOT. Any traffic impacts will be further reduced by the reduction in twenty-five residential units.

- o. The revised PUD plan provides 192 small car spaces in the perimeter parking decks. These 192 spaces represent forty percent of all parking spaces in the perimeter parking decks or twenty-five percent of the total PUD parking space which is the same as the twenty-five percent recommended by the ANC.
- p. Although the thirty-one existing garden apartments in McLean Gardens are not before the Commission, nor is the applicant required to provide any parking spaces for these existing buildings, there is sufficient on and off-street parking to accommodate the parking for these 720 units.
- q. The applicant's Revised Site Plan, marked as Exhibit No. 91B of the record provides 206 open air parking spaces.
- r. The Revised Site Plan, Exhibit No. 91B, shows the location of walks, parks and landscaping on the PUD site.
- s. The design of the site plan encourages access to Glover-Archbold Park by maintaining the access points at the existing streets and increasing access across the PUD site by a pedestrian cut through the stone wall along Wisconsin Avenue.
- t. While no law or Zoning Regulation requires an open space to building ratio, a ratio of 1:1 between open space and buildings has been achieved throughout the mews areas and is appropriate. The ratio of 1:1.5 is achieved in the majority of the rest of the site.
- u. The perimeter parking decks have been screened by placing them behind the stone wall and with the addition of shrubbery and trees. The paved areas on the perimeter parking area decks have been broken up by plantings. The Commission requires that a more detailed landscaping and lighting plan be submitted in the second step application, as required by the PUD regulations.
- v. A total of two acres of public open space is provided in the area between the property line and curb. These areas together with the significant amounts of private open space provide ample open space for the PUD.
- w. The administration and recreation buildings will be subject to the general use restrictions set forth herein. The condominium association may, at its option, impose further restrictions on the use of these premises.

- x. The location of the entrance to the Crescent Apartments is reasonable in that it is farthest away from any existing buildings and provides an attractive, safe access to the building.
 - y. The PUD in itself will not increase security problems, and the design of the PUD has incorporated safety considerations.
 - z. The PUD can only increase property values in the existing McLean Gardens because the PUD units will be equal or greater in value and the community center area with the administration and recreational buildings, plaza and mix of uses will greatly increase the amenities, desirability, prestige and uniqueness of McLean Gardens.
54. The Commission notes the recommendations of the DCDOT regarding the restriction of ingress and egress traffic flow at the intersection of Wisconsin Avenue and Porter Street. The Commission finds that the issue regarding vehicular traffic to and from the project site at Wisconsin Avenue and Porter Street and at other locations is within the jurisdiction of the DCDOT. The Commission believes that that applicant will have sufficient opportunity to resolve this matter to the satisfaction of the DCDOT.

CONCLUSIONS OF LAW

- 1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
- 2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
- 3. The development of this PUD is compatible with city-wide and neighborhood goals, plans and programs and is sensitive to environmental protection and energy conservation.

4. The development of this PUD encourages diversification in the use, size, type, design and location of the buildings and other structures, improves circulation and siting of facilities and provides assurance of adequate standards for the protection of the public health, safety, welfare and convenience.
5. The approval of this PUD application is consistent with the purposes of the Zoning Act.
6. The PUD and change of zoning is compatible and consistent with existing land uses, building heights and zoning in the immediate neighborhood and along Wisconsin Avenue.
7. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
8. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Zoning Commission has accorded to the Advisory Neighborhood Commission 3C the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby ORDERS approval of the first stage application for a Planned Unit Development for Lot 1,2 and 3 in Square 1819 and Lots 1,2,5,6 and 7 in Square 1821 fronting on Wisconsin Avenue and bounded by Rodman Street on the north, 38th Street on the west, Newark Street on the southwest and Idaho Avenue on the south, subject to the following guidelines, conditions and standards:

1. The applicant shall submit with the application for second stage approval of the PUD an application for rezoning the subject property from R-5-A to R-5-B and C-2-A. The boundary lines between those districts shall be as shown on Sheet No. 10 of Exhibit No. 9 of the record, and shall be dimensioned in relation to the surrounding streets.
2. The final design of the project shall be based

upon the revised site plan marked as Exhibit No. 91B of the record, as that plan may be modified by the guidelines, conditions and standards below.

3. The maximum number of dwelling units shall be 625.
4. The minimum number of parking spaces shall be 772.
5. The overall density of the project shall not exceed a floor area ratio of 1.95. The gross floor area shall not exceed 795,456 square feet. A maximum of 46,000 square feet of gross floor area in the Plaza Apartments building, labeled as Building C on the revised site plan, may be devoted to commercial uses. Approximately seventy-five percent of the commercial FAR shall be devoted to office space and approximately twenty-five per cent shall be devoted to retail and service uses.
6. The existing Administration Building, labeled as Building D on the revised site plan, may be used for offices, services and recreational purposes, including social events, and may include food and beverage service as an accessory use. The proposed Recreation Building labeled as Building E on the revised site plan, may be used for recreation purposes and may also include food and beverage service as an accessory use. The condominium association may, at its option, impose further restrictions on the use of these premises.
7. In the area to be devoted to commercial uses, permitted uses shall be those uses first permitted in a C-1 District with the exception of those uses specifically listed in Exhibit No. 74E of the record. In addition, those uses cited in Exhibit No. 74E of the record which are first permitted in a C-2-A District shall also be permitted, except for community based residential facilities under Paragraph 5102.38 and special exceptions under Sub-section 5102.4.
8. No building shall exceed ninety feet in height above the level of the curb on Wisconsin Avenue and the adjacent finished grade.
9. The overall lot occupancy for the project shall not exceed fifty-four per cent.
10. In the final design of the North and South Mews, labeled as Buildings F and G on the revised site plan, the applicant shall make all reasonable efforts, consistent with grade and slope, to place

a portion of the individual parking garages under the buildings.

11. The applicant shall study the design of the building labeled as G-10 on the revised site plan, with the aim of eliminating that building as shown from the plan.
12. In the final design of the Idaho Avenue apartments, labeled as Building H on the revised site plan, the building shall be an average height not exceeding eight stories, but may vary in height from six to ten stories, with a stepdown toward the southwest near the existing McLean Gardens garden apartments and to the north along Wisconsin Avenue.
13. Landscaping and paving shall be in accordance with the general landscaping shown on the revised site plan marked as Exhibit No. 91B of the record. The landscaping shown shall be considered as a minimum and the addition of more landscaping, particularly on the plaza and in the vicinity of the perimeter parking decks behind the wall is recommended.
14. Circulation and off-street parking shall be implemented in accordance with the circulation plan/parking on-grade, marked as Exhibit No. 91H of the record, and the parking plan below-grade, marked as Exhibit No. 91I of the record.
15. The plans submitted with the second-stage application shall assure that the pedestrian bridges between the mews are safe and weather protected. The second-stage application shall also address the use of the administration/community building and recreational facilities; and the use and management of the mews lanes and underground parking garages.
16. The applicant shall consult with the National Park Service during the preparation of the second stage application. If it is mutually determined that some remedial treatment is required at the two outfalls into the stream, such provisions shall be incorporated into the step two plans.
17. There shall be one application for second-stage approval including the entire project. That application may provide for the implementation and construction of the project in several phases. If phasing is proposed, the second-stage application shall delineate the nature and timing of each

phase, and shall show the number of units and the number of parking spaces contained in each phase.

18. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site and landscaping plans by the Zoning Commission in the second stage proceeding.
19. This approval is valid for a period of one year from the effective date of this order. Within that period, the applicant shall file a second-stage application if this first-stage approval is to remain in effect.

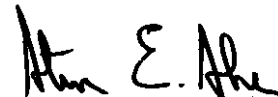
Vote of the Zoning Commission taken at the public meeting of August 9, 1982, as proposed action: 4-0 (Lindsley Williams, George M. White, John G. Parsons, and Walter B. Lewis, to approve with conditions - Maybelle T. Bennett, not voting not having participated in the case).

Vote of the Zoning Commission taken at the public meeting of September 13, 1982, as final action: 4-0 (Lindsley Williams, John G. Parsons, and Walter B. Lewis, to adopt as amended, and George M. White, to adopt by absentee vote - Maybelle T. Bennett, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission, this order is final and effective on SEP 24 1982.



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat